

SENATE JOURNAL

Forty-second Legislature—Third Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,
August 30, 1932.

The Senate met at 10 o'clock a. m., pursuant to the call of the Governor, and was called to order by Lieutenant Governor Edgar E. Witt.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary: Bob Barker.
Sergeant-at-Arms: Captain A. W. Holt.

Doorkeeper: W. J. J. Terrell.
Journal Clerk: Wendell O'Neal.

Roll Call.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Prayer by Rev. W. H. Doss.

Senator Excused.

Senator Beck, on motion of Senator Woodward, was excused for the day on account of illness.

1—Jour.

Proclamation of the Governor.

The Chair laid before the Senate the following proclamation of the Governor:

Department of State,
Austin, Texas.

Proclamation by the Governor
of the State of Texas

To All To Whom These Presents
Shall Come:

Whereas, It is highly important that, to the limits of the constitutional powers of the Legislature, the taxpayers of Texas shall be relieved at the earliest possible moment of the onerous and unfair burden of taxation now resting upon them by which their homes, farms and ranches, and other property, are taxed for road bond issues heretofore voted by counties and road districts for the purpose of aiding in the construction of roads that are now State highways, which burdens ought to be assumed and paid by those using the highways, out of the State Highway Fund; and

Whereas, Legislation should be immediately enacted providing that all penalties and interest shall be released upon all delinquent taxes paid on or before January 31, 1933, as a means of inducing payment of delinquent taxes and of ameliorating the hardships of distressed delinquent taxpayers; and

Whereas, Texas home owners should be enabled immediately to be able to avail themselves of the benefits of the Home Loan Bank Law recently enacted by the Congress of the United States, making provision for the financing, and refinancing, and extensions of loans on residence homesteads.

Now, therefore, I, R. S. Sterling, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-second Legislature of Texas,

to be convened in the City of Austin, Texas, commencing at ten o'clock a. m., Tuesday, the 30th day of August, A. D. 1932, for the following purposes:

1. To pass legislation providing that outstanding issues of road bonds, heretofore issued by counties and road districts, for the purpose of aiding in constructing roads which are now State highways, shall be assumed by the State; and that all taxes required to be levied upon property within such counties or road districts to support such bonds, shall not be collected by such counties or road districts from the tax payers therein for this year, 1932, or succeeding years, but that the principal and interest on such bonds, as the same may accrue, shall be paid out of the State Highway Fund; and

2. To pass legislation releasing the penalties and interest upon all delinquent taxes provided the same are paid on or before January 31, 1933; and

3. To amend the laws of Texas governing the investments of life insurance companies and of building and loan associations so as to allow them to make the necessary investments in the stock of the Federal Home Loan Banks, so as to enable the home owners of Texas to have the benefit and assistance of those institutions in financing and refinancing and carrying and extending loans on their homesteads; and

4. To consider and act on such other subjects of public imperative importance as the Executive may, from time to time, during the session, submit by message or otherwise.

In Testimony Whereof, I hereunto sign my name officially and caused the Seal of the State of Texas to be impressed hereon at Austin, Texas, this, the 18th day of August, A. D., 1932.

(Signed) R. S. STERLING,
(Seal) Governor of Texas.

By the Governor:
WATT L. SAUNDERS,
Assistant Secretary of State.

President Pro Tem.

The Chair announced that nominations were now in order for President Pro Tem. of the Senate.

Senator Poage nominated Senator Loy.

The nomination was seconded by Senators Pollard and Moore.

The Chair appointed Senators Poage, Pollard, and Moore as tellers. The tellers announced the following results:

Senator Loy—25 votes.

The Chair announced that Senator Loy was duly elected President Pro Tem. and appointed Senators Pollard, Moore, and Poage to escort Senator Loy to the platform. The Chair administered the oath of office.

The Chair introduced Senator Pollard who introduced President Pro Tem Loy. Senator Loy briefly addressed the Senate.

Committee From the House.

The Chair recognized the Doorkeeper who introduced a Committee from the House. The committee announced the House was organized and ready to transact business.

Notification Committees Appointed.

On motion of Senator Moore, the Chair appointed the following Notification Committees:

To notify the Governor: Senators Moore, Woodward, and Hardin.

To notify the House: Senators Martin, DeBerry, and Holbrook.

Bills Introduced.

By Senator Purl:

S. B. No. 1, A bill to be entitled "An Act amending Article 517 of the Revised Civil Statutes of the State of Texas as set out in the Acts of 1927, Fortieth Legislature, regulating the pledging of securities by State banking corporations and permitting them to pledge such securities to the Reconstruction Finance Corporation."

Read and referred to Committee on Banks and Banking.

By Senator Purl:

S. B. No. 2, A bill to be entitled "An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, limiting the indebtedness of State banking corporations, but permitting same to borrow in excess of this amount from the Reconstruction Finance Corporation, and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Rawlings:

S. B. No. 3, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1932, providing said taxes are paid on or before January 31, 1933, declaring a State policy and the existence of a public calamity, suspending all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Poage and Cunningham:

S. B. No. 4, A bill to be entitled "An Act declaring a State policy of payment for the use of roads used as part of the State Highway System; providing that the State shall pay in behalf of counties and/or road districts, certain maturity of certain bonds; declaring that such payments shall not be for the benefit of bondholders and that the State does not assume any bonds; providing the method of determination of the amounts expended by counties and/or road districts and the method of paying such amounts; providing certain duties of certain officers; defining 'bonds' and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Oneal:

S. B. No. 5, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school district, road district, levy improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, for the year 1929 and prior years now delinquent, provided said taxes are paid on or before December 31, 1932; and on like taxes for the year 1930, now delinquent, provided said taxes are paid on or before March 31, 1933; and on like taxes for the year 1931, now delinquent, provided said taxes are paid on or before June 30,

1933; suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Hardin:

S. B. No. 6, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand (\$50,000) Dollars or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employees; and the contingent expense of the Third Called Session of the Forty-second Legislature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular and the First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employees of the Regular and the First and Second Called Sessions of said Legislature; to pay any unpaid claims or accounts of members, officers, or employees of said sessions or of other persons authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by Concurrent Resolution of the Forty-second Legislature at its Third Called Session; to pay the per diem of members, officers, or employees for pre-session and post-session work of the Third Called Session of said Forty-second Legislature; providing how accounts may be approved and audited; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators DeBerry, Hardin, Beck, Purl, Moore, Russek, Hornsby, Parrish, Berkeley, Pollard, Cunningham, Loy, Neal, Patton, Thomason, Stevenson:

S. B. No. 7, A bill to be entitled "An Act for the purpose of releasing the interest and penalties accrued on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes, and taxes of other defined districts and subdivisions of the State, other than incorporated cities and towns, delinquent up to and including July 1, 1932, providing said delinquent

taxes are paid on or before January 31, 1933; suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Greer:

S. B. No. 8, A bill to be entitled "An Act authorizing and empowering building and loan associations, savings and loan associations, cooperative banks, homestead associations, insurance companies, and savings banks, organized or incorporated under the laws of the State of Texas, to subscribe for, and invest their funds in, the stock of the Federal Home Loan Bank, of which it may be eligible to become a member, in compliance with the provisions of the Act of Congress known and cited as the 'Federal Home Loan Bank Act'; and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Hornsby:

S. J. R. No. 1, A Joint Resolution "Ratifying an amendment to the Constitution of the United States of America passed by the Seventy-second Congress of the United States of America, at its First Session, which amendment fixes the commencement of the terms of President and Vice-President and Members of Congress and fixing the time of the assembling of Congress and providing that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of its submission to the states by Congress."

Read and referred to Committee on Constitutional Amendments.

Notification Committees Report.

The committee appointed to notify the Governor appeared at the bar of the Senate and Senator Moore reported that the Committee had performed its duty.

The committee appointed to notify the House appeared at the bar of the Senate and Senator DeBerry reported that the committee had performed its duty.

Senator Excused.

On motion of Senator Moore, Senator Greer was excused for the day on account of important business.

Recess.

On motion of Senator Rawlings, the Senate, at 10:33 a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senator Excused.

On motion of Senator Moore, Senator Neal was excused for the afternoon on account of important business.

Senate Simple Resolution No. 1.

Senator Pollard sent up the following caucus report:

Caucus Report.

Austin, Texas, Aug. 30, 1932.

A caucus was held in the office of the Senate, attended by 31 Senators.

The purpose of the caucus was to determine the number, personnel and salary of the Senate officers and employees for the ensuing Third Called Session of the Forty-second Legislature.

The following officers were elected:

Secretary: Bob Barker.

Journal Clerk: Wendell O'Neal.

Sergeant-at-Arms: Captain A. W. Holt.

Calendar Clerk: M. H. Dryer.

Engrossing and Enrolling Clerk: Miss Essie McGinnis.

Chaplain: Rev. W. H. Doss.

The Lieutenant Governor is requested to recommend that the Southwestern Bell Telephone Company employ Miss Mary Jacobs to attend to the duties of telephone operator of the Senate, and a night operator.

The Lieutenant Governor and Senators are hereby fully authorized and empowered to use all Assistant Sergeant-at-Arms and all other necessary employees for any and all purposes they desire.

The Lieutenant Governor is hereby authorized to appoint an elevator boy to serve at night and on Sunday, said elevator boy to receive \$3.00 per day; and to employ all necessary messengers, and pages, whose salaries shall be \$3.00 and whose parents shall not be officers or em-

ployees of any governmental agency in the State of Texas; and to employ such porters as he may deem necessary at a salary the same as at the Regular Session.

It is further recommended that each Senator and the Lieutenant Governor be permitted to name one employee of the Senate other than their private secretaries, and that their names be referred to a committee of five Senators appointed by the Chairman of the Caucus, and that said committee be authorized to select such employees in the Engrossing and Enrolling Room and other departments from the names submitted; and that all employees shall draw the salaries which were drawn during the Second Called Session of the Forty-second Legislature.

It is further recommended that no employee for the Senate shall, during the time he or she is employed, furnish to any person, firm, or corporation any information, or copies of bills or resolutions or other matters pertaining to the Senate, nor receive any compensation from any person, firm or corporation during their employment by the Senate.

All employees except those responsible directly to some Senator or committee shall report for duty at 8 o'clock in the morning and at 1 o'clock in the afternoon to the Sergeant-at-Arms of the Senate, and none of said employees shall be paid for days they are absent from work.

The Chairman of the Caucus appointed Senators Holbrook, Russek, Williamson, Patton and Rawlings to assign employees of the Senate selected by the various Senators to their respective positions.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to name one stenographer and that such employees act as clerk of each committee of which said Senator shall be chairman, all of whom shall receive \$5.00 per day.

It is further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate wherever their services may be required in the judgment of the Lieutenant Governor.

It is further recommended that the Senators be given such time as they desire to name their personal

appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that 2,000 Journals be printed and that same be prorated among the Senators and the Lieutenant Governor, except that 150 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of employees of the Senate, such rental not to exceed \$4.00 per month per machine.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to subscribe for three daily papers, to be paid for out of the contingent funds.

It is further recommended that the Lieutenant Governor, each Senator, and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in transmitting and receiving or telephone messages and telegrams that may be actually necessary in the discharge of their official duty, said expenses to be paid out of the contingent fund.

It is further recommended that the Secretary of the Senate, Sergeant-at-Arms and the porters who have been appointed to prepare the Senate Chamber in advance for the meeting of this session of the Legislature be paid for such days as are approved by the Contingent Expense Funds Committee at the salary herein provided said officers and employees.

PARR, Chairman,
POLLARD, Secretary.

The report was read.

Senator DeBerry offered an amendment.

The Chair, Lieutenant Governor Edgar E. Witt, held that it was necessary first to receive and adopt the Caucus Report.

On motion of Senator Pollard, the Senate voted to receive and adopt the Caucus Report.

Senator Pollard moved to make the Caucus Report the official action of the Senate.

Senator DeBerry sent up the following amendment:

Amend Caucus Report of Third Called Session Forty-second Legisla-

ture by adding the following: "and when such list is completed the same shall be printed in the Senate Journal, giving name, residence and compensation of such employee."

DeBERRY.

The amendment was read and adopted by the following vote:

Yeas—21.

Berkeley.	Oneal.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Woodul.
Martin.	Woodward.
Moore.	

Nays—4.

Gainer.	Patton.
Parr.	Williamson.

Absent.

Loy.	Small.
Russek.	Woodruff.

Absent—Excused.

Beck.	Neal.
-------	-------

(See page 150.)

Senator Poage sent up the following amendment:

Amend Caucus Report by adding the following: "Be it further Resolved that all salaries in excess of three dollars (\$3.00) per day be reduced by 20%."

POAGE,
DeBERRY,
HOLBROOK.

The amendment was read.

Senator Woodul moved to table the amendment.

Senator Pollard asked permission to offer a sine die adjournment resolution.

The Chair, Lieutenant Governor Edgar E. Witt, held that the resolution was out of order while business was pending.

The motion to table prevailed by the following vote:

Yeas—16.

Cousins.	Martin.
Gainer.	Moore.
Hopkins.	Parr.

Parrish.	Stevenson.
Patton.	Thomason.
Pollard.	Williamson.
Purl.	Woodul.
Russek.	Woodward.

Nays—11.

Berkeley.	Hornsby.
Cunningham.	Oneal.
DeBerry.	Poage.
Greer.	Rawlings.
Hardin.	Woodruff.
Holbrook.	

Absent.

Loy.	Small.
------	--------

Absent—Excused.

Beck.	Neal.
-------	-------

The Caucus Report as amended was adopted.

S. C. R. No. 1.

Senator Pollard sent up the following resolution:

Be It Resolved by the Senate and the House of Representatives concurring, that the Third Called Session of the Legislature adjourn sine die Saturday, September 3, at 12 o'clock m.

POLLARD.

The resolution was read and, on motion of Senator Williamson, laid on the table subject to call.

Message From the Governor

Executive Office,
August 30, 1932.

To the Legislature of the State of Texas:

Only the most imperative demand and need could have impelled me to call you ladies and gentlemen forth again from your homes and private affairs to the service of the State in a special session.

Such a demand, which began months ago, has been coming to me with increasing urgency from citizens all over Texas, a swelling cry for tax relief which should no longer go unheeded.

Members of this Legislature are familiar with the condition of the taxpayers, and are aware of the general clamor for immediate relief. You know too, I am sure, that substantial relief can be provided for by legislation, and that to delay it longer would be unjust to the people.

Many citizens all over Texas beseeched me to convene the Legislature in July, but I deferred the call, principally for the reason that most of the members were engrossed in their campaigns for re-election, and it would have been extremely inconvenient and undesirable for many of them to leave their affairs at that time. As it is, however, the session is occurring early enough to make the proposed relief measures affect this year's tax payments.

The primary purpose of the special session is to enact legislation setting aside a sufficient portion of the State highway funds to pay interest and sinking fund due this year, and in succeeding years, on bonds heretofore issued by counties and road districts to help finance construction of State highways.

In many counties these road bond taxes are a ruinous load on the backs of the people, running as high as two dollars on the one hundred dollars valuation in some instances. The cost of building State roads in late years should never have been saddled upon the homes, farms, ranches and other property of the people; it should have been derived from the traffic on the roads. In the present acute emergency the State should act quickly to assume the outstanding bonds of county and road districts affected, so that their tax rates may be reduced accordingly.

A bill was enacted at my request a year ago, waiving interest and penalties accrued on all delinquent State taxes that should be paid on or before last January 31. This legislation justly relieved the taxpayer of an onerous burden at a time when he needed the relief, and also it encouraged the payment of delinquent taxes at a time when the State needed revenues. The measure should be re-enacted, so that all interest and penalties will be released on delinquent taxes that are paid on or before January 31, 1933. Its enactment at this time, rather than at the next regular session, is greatly desirable, for that it will enable the taxpayers to know what to expect and what to plan for, and will avoid much confusion which would result in event of the State's collecting the interest and penalties on delinquent taxes paid during the remainder of this year, and then hav-

ing to remit them should a penalty release law be passed in January.

I have called the Legislature also to enact a bill allowing insurance companies and building and loan associations to make investments in the stock of the Federal Home Loan Banks created by the recent Act of Congress, so that home owners might have the benefit of those institutions in financing and refinancing and carrying and extending loans on their homesteads.

Under our present laws, these institutions have not authority to invest their funds in the Federal Home Loan Bank. This measure is designed simply to give them that authority, in order that home owners of Texas may participate in the relief program promulgated by Congress, and save their homesteads from loss by foreclosure.

It should not require longer than a week to properly consider and enact these three measures. I sincerely trust and entreat that you work with utmost speed, so that the expense of the session to the taxpayers may be kept as low as possible, and that you may soon return to your homes.

Respectfully submitted,

R. S. STERLING,
Governor of Texas.

Senate Simple Resolution No. 2.

Senator Hardin sent up the following resolution:

Resolved, That the State Senate express its sincere regret that Senator J. W. E. H. Beck, who is one of our most useful and valuable Senators, is detained from attendance upon this body by ill health; and

We express our earnest hope and belief that he will be speedily restored and desire to assure him that the best public service he can render is to recover his own health and strength with the least possible delay.

It is of the highest importance to the people of Texas that he who has healed so many thousands should now heal himself. No man living has rendered better and more sympathetic service to the people.

HARDIN,	GREER,
BERKELEY,	HOLBROOK,
COUSINS,	HOPKINS,
CUNNINGHAM,	HORNSBY,
DeBERRY,	LOY,
GAINER,	MARTIN,

MOORE,	RAWLINGS,
NEAL,	RUSSEK,
ONEAL,	SMALL,
PARR,	STEVENSON,
PARRISH,	THOMASON,
PATTON,	WILLIAMSON,
POAGE,	WOODRUFF,
POLLARD,	WOODUL,
PURL,	WOODWARD.

Read and adopted by a rising vote on motion of Senator Parr.

S. C. R. No. 2.

Senator Poage sent up the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, that the pay of the members of the Third Called Session of the Forty-second Legislature is hereby fixed at eight dollars per diem; provided, however, that no member shall draw such sum for any day when such member is absent for any reason other than personal illness, or on account of death or illness in his immediate family, or in the performance of some duty imposed upon them by resolution of one or both of the Houses of this Legislature; but, on such days as any member may be absent for any other than the above reasons, his pay shall be one dollar per day and no more.

Be It Further Resolved that in addition to the per diem the members of each House shall be entitled to mileage for going to and return from seat of Government, which mileage shall be two dollars and fifty cents for every twenty-five miles, the distance to be computed by the nearest or most direct line of travel, from a table of distance heretofore prepared by the Comptroller to each county seat.

POAGE,
DeBERRY,
CUNNINGHAM,
ONEAL.

The resolution was read.

Senator Woodward sent up the following amendment:

Amend the resolution by striking out the words and figures \$8.00 per diem and add in lieu thereof the words and figures \$5.00 per diem.

WOODWARD,
RAWLINGS,
HOLBROOK.

Read and adopted by the following vote:

Yeas—18.

Berkeley.	Poage.
Cousins.	Pollard.
Cunningham.	Purl.
DeBerry.	Rawlings.
Hardin.	Russek.
Holbrook.	Stevenson.
Moore.	Williamson.
Oneal.	Woodruff.
Hornsby.	Woodward.

Nays—9.

Gainer.	Parrish.
Greer.	Patton.
Hopkins.	Thomason.
Martin.	Woodul.
Parr.	

Absent.

Loy.	Small.
------	--------

Absent—Excused.

Beck.	Neal.
-------	-------

Senator Williamson sent up the following amendment:

Amend the amendment to the resolution by striking out the figure "\$5" and inserting in lieu thereof the word "gratis."

WILLIAMSON.

The amendment was read.

Senator DeBerry moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Berkeley.	Oneal.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Rawlings.
Greer.	Woodruff.
Holbrook.	Woodward.

Nays—15.

Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Russek.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.
Patton.	

Absent.

Loy.	Small.
------	--------

Absent—Excused.

Beck.	Neal.
-------	-------

The amendment was adopted by the following vote.

Yeas—16.

Gainer.	Patton.
Hardin.	Pollard.
Hopkins.	Purl.
Hornsby.	Russek.
Martin.	Stevenson.
Moore.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.

Nays—11.

Berkeley.	Oneal.
Cousins.	Poage.
Cunningham.	Rawlings.
DeBerry.	Thomason.
Greer.	Woodward.
Holbrook.	

Absent.

Loy. Small.

Absent—Excused.

Beck. Neal.

The resolution as amended was adopted by the following vote:

Yeas—14.

Gainer.	Purl.
Hardin.	Russek.
Hopkins.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodruff.
Pollard.	Woodul.

Nays—11.

Berkeley.	Oneal.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Rawlings.
Holbrook.	Woodward.
Hornsby.	

Absent.

Greer. Patton.
Loy. Small.

Absent—Excused.

Beck. Neal.

Senator Woodward received unanimous consent to include in the resolution the following amendment:

Amend the resolution by adding a new section to read as follows:

Resolved by the Senate of Texas that the Secretary of the Senate

keep an accurate daily record of the time consumed by each member in debate during this session and such record be printed in the Journal daily.

WOODWARD.

S. C. R. No. 1.

Senator Parr called up from the table the sine die resolution (S. C. R. No. 1).

Senator Moore sent up the following amendment:

Amend resolution by substituting Saturday, September 3, 1932, with the words and figures, Saturday, September 10, 1932.

MOORE.

The amendment was read and adopted.

Senator Purl moved that the resolution as amended be laid on the table subject to call. The motion prevailed by the following vote:

Yeas—20.

Berkeley.	Oneal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Russek.
Holbrook.	Thomason.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Martin.	Woodward.

Nays—6.

Moore.	Rawlings.
Parr.	Stevenson.
Pollard.	Woodul.

Absent.

Hardin. Small.
Loy.

Absent—Excused.

Beck. Neal.

Senate Simple Resolution No. 3.

Senator Pollard sent up the following resolution:

Be It Resolved that the Secretary of State be and she is hereby requested to deliver to the Sergeant-at-Arms five copies of Acts of the Regular and Special Sessions of the Forty-second Legislature for the use of the members of the Senate and be returned at end of this session.

POLLARD.

Read and adopted.

Message From the Governor.

Executive Office,
August 30, 1932.

To the Members of the Senate of the
Forty-second Legislature:

I hereby submit the following ap-
pointments for your confirmation:

Courts of Civil Appeals.

District No. 2, Hon. H. S. Latti-
more, Associate Justice, Fort Worth,
to succeed Associate Justice R. H.
Buck, deceased.

District No. 7, Hon. A. B. Martin,
Associate Justice, to succeed Justice
H. C. Randolph, deceased.

District No. 9, Hon. Daniel
Walker, Chief Justice, to succeed
Chief Justice L. B. Hightower, de-
ceased.

District No. 9, Hon. Ike Lawhon,
Associate Justice, to succeed Justice
Daniel Walker, resigned.

Superintendent of Public Instruction.

Hon. C. N. Shaver of Walker
County to succeed Hon. S. M. N.
Marrs, deceased.

Railroad Commission.

Hon. E. O. Thompson of Potter
County, to succeed Hon. Pat M. Neff,
resigned.

District Judges.

District No. 14, Hon. W. M. Tay-
lor of Dallas County to succeed
Judge Foree, deceased.

District No. 31, Hon. A. S. Mauzey
of Sweetwater, to succeed Judge
Ewing, deceased.

District No. 92, Hon. R. M. Bounds
of McAllen.

District No. 96, Hon. Marvin H.
Brown of Fort Worth, to succeed
Judge H. S. Lattimore, resigned.

District Attorney.

Hon. John E. Taylor of Longview.

**Board of Regents
State Teachers College.**

Dr. Webb Walker of Fort Worth,
to succeed Hon. F. A. Martin, de-
ceased.

State Board of Optometry.

Dr. Duke W. Pittman of Mexia.

**Board of Regents of College of
Arts and Industries, Kingsville.**

Hon. Robert Lee Bobbitt of La-
redo, to succeed Hon. R. M. Kleberg,
resigned.

State Board of Dental Examiners.

Dr. W. T. Stewart of Waco, to
succeed Hon. G. H. Mengel, deceased.

Kings State Park Commissioners.

J. T. Vance, Refugio.

John O'Brien, Refugio.

Mrs. Josephine Mitchell, Refugio.

Pilot Commission—Port of Freeport.

C. J. Rogan, Freeport.

Percy Beacroft, Freeport.

C. E. Watson, Freeport.

E. C. Tobey, Freeport.

Chas. Skinner, Velasco.

State Board of Control.

Hon. John F. Wallace of Teague,
succeeding Mr. Roy I. Tennant as
member for the next ensuing statu-
tory term.

State Fire Insurance Commissioner.

Hon. Raymond Mauk of Dallas,
succeeding Mr. J. W. DeWeese as
Fire Insurance Commissioner for the
next ensuing statutory term.

Board of Barber Examiners.

Hon. E. T. Jenkins of Fort Worth,
succeeding Mr. Robinson of Dallas,
for the next ensuing statutory term.

Advisory Civil Judicial Council.

Hon. Alonzo Wasson of Dallas, to
succeed Mr. Harry B. Crozier, re-
signed.

State Board of Medical Examiners.

Dr. J. Allen Kyle of Houston.

State Commission for the Blind.

Hon. James A. Boddeker, of Gal-
veston, 3 year term.

Hon. E. M. Mayer of Dallas,
1 year term.

Dr. Randolph Haynes of Austin,
2 year term.

And Notaries Public.

Respectfully submitted,

R. S. STERLING,

Governor of Texas.

Read and referred to Committee
on Governor's Nominations.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Aug. 30, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 1, Relative to mileage and per diem of members of the Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 3.

Senator Rawlings asked unanimous consent to take up S. B. No. 3. Objection was heard.

Senator Rawlings moved to suspend the rule requiring bills to be read on three several days and take up the bill.

Senator Oneal moved as a substitute that the bill be recommitted to the Committee on State Affairs.

Senator Oneal withdrew the substitute motion in order to permit a direct vote on the motion to take up the bill.

The motion to take up the bill was lost by the following vote:

Yeas—16.

Cousins.	Purl.
DeBerry.	Rawlings.
Hardin.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Moore.	Thomason.
Parr.	Woodul.
Pollard.	Woodward.

Nays—8.

Berkeley.	Oneal.
Greer.	Patton.
Holbrook.	Poage.
Martin.	Williamson.

Absent.

Cunningham.	Parrish.
Gainer.	Woodruff.
Loy.	

Absent—Excused.

Beck.	Neal.
-------	-------

(Four-fifths vote required.)

On motion of Senator Oneal, the bill was recommitted to the Committee on State Affairs.

Appointments Announced.

The Chair announced the following appointments:

General Pages: F. B. Jeffrey, Johnie Parker, Dennis Waller, R. F. Hyde, Jack Love, Hubert Smith, Jack Meachum, Joseph Nalle, Bobbie Simons, Harvey Dibrell, Sammie West, James Fowler.

General Messengers: Pat Adams, Jno. J. Faubion, Jr., Elwood Brown, Louis Scott Wilkerson, Jack Corbett, Fred Spencer.

Executive Session Set.

On motion of Senator Pollard, the Senate voted to go into executive session tomorrow morning at 11 o'clock.

Adjournment.

On motion of Senator Hopkins, the Senate, at 4:40 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee Reports.**

Committee Room,

Austin, Texas, Aug. 30, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 3, A bill to be entitled "An Act for the purpose of remitting the interest and penalties on all State, county, special, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1932, providing said taxes are paid on or before January 31, 1933; declaring a State policy and the existence of a public calamity; suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, Aug. 30, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Con-

stitutional Amendments, to whom was referred

S. C. R. No. 1, "Ratifying an amendment to the Constitution of the United States of America, at its First Session, which amendment fixes the commencement of the terms of President and Vice-President and members of Congress and fixing the time of the assembling of Congress and providing that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of its submission to the states by Congress."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Aug. 30, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 6, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000.00) or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employees; and the contingent expense of the Third Called Session of the Forty-second Legislature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular and the First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employees of the Regular and the First and Second Called Sessions of said Legislature; to pay any unpaid claims or accounts of members, officers, or employees of said sessions or of other persons authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by Concurrent Resolution of the Forty-second Legislature at its Third Called Session; to pay the per diem of members, officers, or employees for pre-session and post-session work of the Third Called Session of said Forty-second Legislature; providing how accounts may

be approved and audited; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HARDIN, Vice Chairman.

By Hardin.

S. B. No. 6.

A BILL

To Be Entitled

An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employees; and the contingent expense of the 3rd Called Session of the 42nd Legislature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular and the First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employees of the Regular and the First and Second Called Sessions of said Legislature; to pay any unpaid claims or accounts of members, officers, or employees of said Sessions or of other persons authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by Concurrent Resolution of the 42nd Legislature at its Third Called Session; to pay the per diem of members, officers, or employees for pre-session and post-session work of the Third Called Session of said 42nd Legislature; providing how accounts may be approved and audited; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of \$50,000.00 or so much thereof as may be necessary is hereby appropriated out of the General Revenue to pay the per diem and mileage of members; to pay the per diem of officers and employees, and to pay the contingent expenses of the 3rd Called Session of the 42nd Legislature of the State of Texas, convened by proclamation of the Governor on

the 30th day of August, 1932, to supplement the like appropriation passed at the Regular Session and the 1st and 2nd Called Sessions of the 42nd Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employees of the 2nd and 3rd Called Sessions of the 42nd Legislature, or any unpaid claims or accounts authorized by either the Senate or the House of Representatives of said Legislature at its 2nd or 3rd Called Sessions; to pay any and all sums for whatever purpose authorized to be expended by Concurrent Resolution of said Legislature at its 3rd Called Session and to pay the per diem of members, officers, and employees for pre-session and post-session work of the 3rd Called Session of the 42nd Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the Chief Clerk of the House of Representatives, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims for the mileage and per diem of members and the salaries and per diem of the officers and employees of the 3rd Called Session of the 42nd Legislature, and it shall be their duty to issue the necessary warrants for the same upon the Treasury of the State of Texas.

Sec. 3. That the certificate of the Chairman of the Committee on Contingent Expense of the Senate, approved by the President of the Senate, or of the Chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue warrants upon the Treasury of the State of Texas for the payment of accounts for contingent expenses herein provided to be paid.

Sec. 4. The fact that the appropriations made to pay the mileage, per diem, and contingent expenses of the 3rd Called Session of the 42nd Legislature of the State of Texas heretofore made are not sufficient for that purpose creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby sus-

pended, and that the Act shall take effect and be in force from and after its passage, and it is so enacted.

SECOND DAY.

Senate Chamber,
Austin, Texas,
August, 31, 1932.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodruff.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Beck. Greer.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Purl and Hopkins:

S. B. No. 9, A bill to be entitled "An Act to amend Sections 20, 27, 38, 44, 47 and 48 and to add a new section thereto, to be known as Section 21-a, of an act entitled 'An Act defining Building and Loan Associations, providing for their incorporation and prescribing the terms, conditions and regulations upon which such companies may carry on their business in Texas, providing that shareholders shall not be disqualified to take acknowledgements; validating such previous acknowledgments by shareholders; prescrib-